

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00183

Enrique A. Diaz,
Petitioner,

v.

Sheriff Brandon Fletcher,
Respondent.

ORDER

Petitioner Enrique A. Diaz, proceeding pro se and *in forma pauperis*, filed a petition for a writ of habeas corpus on May 23, 2024. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 2.

On August 22, 2024, the magistrate judge ordered petitioner to file a response—on or before September 25, 2024—as to whether he exhausted his state court remedies before filing his federal habeas petition. Doc. 7. Petitioner was warned that failure to comply with the order could result in the dismissal of his habeas action. Petitioner did not respond.

On October 9, 2024, the magistrate judge entered a report recommending that petitioner's case be dismissed without prejudice for want of prosecution and failure to obey an order. Doc. 8. The report noted that petitioner failed to comply with the August 22, 2024 order. No objections have been filed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the report and being satisfied that the report contains no clear error, the court accepts the findings and conclusions of the report. Accordingly, the petition is dismissed without prejudice for failure to prosecute. Any pending motions are denied as moot.

So ordered by the court on January 21, 2025.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge